

(ii) Software that stores data of United States consumers in a covered country.

(B) PERSONS DESCRIBED.—A person described in this subparagraph is—

(i) a person (other than an individual)—

(I) that is organized under the laws of a covered country;

(II) the principal operations of which are conducted in a covered country; or

(III) that is headquartered in a covered country; or

(ii) a person (other than an individual) that is, directly or indirectly, controlled by a person described in clause (i).

(5) MOBILE APPLICATION.—The term “mobile application” means a software program that runs on the operating system of a smartphone, tablet computer, or similar mobile electronic device.

(6) SOFTWARE.—The term “software” means any computer software program, including a mobile application.

(7) SOFTWARE MARKETPLACE OPERATOR.—The term “software marketplace operator” means a person who, for a commercial purpose, operates an online store or marketplace through which software is made available for download by consumers in the United States.

**SA 4363.** Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

**SEC. \_\_\_\_ . REIMBURSEMENT OF INTEREST PAYMENTS RELATED TO PUBLIC ASSISTANCE.**

Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended by adding at the end the following:

**“SEC. 431. REIMBURSEMENT OF INTEREST PAYMENTS RELATED TO PUBLIC ASSISTANCE.**

“(a) IN GENERAL.—The President may provide financial assistance to a local government as reimbursement for qualifying interest.

“(b) DEFINITIONS.—In this section, the following definitions apply:

“(1) PRIME RATE.—The term ‘prime rate’ means the average predominant prime rate quoted by commercial banks to large businesses, as determined by the Board of Governors of the Federal Reserve System.

“(2) QUALIFYING INTEREST.—The term ‘qualifying interest’ means, with respect to a qualifying loan, the lesser of—

“(A) the actual interest paid to a lender for such qualifying loan; and

“(B) the interest that would have been paid to a lender if such qualifying loan had an interest rate equal to the prime rate most recently published on the Federal Reserve Statistical Release on selected interest rates.

“(3) QUALIFYING LOAN.—The term ‘qualifying loan’ means a loan—

“(A) obtained by a local government; and

“(B) of which not less than 90 percent of the proceeds are used to fund activities for which such local government receives assistance under this Act after the date on which such loan is disbursed.”.

**SA 4364.** Mr. RUBIO (for himself and Mr. WARNER) submitted an amendment

intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . AIR AMERICA.**

(a) SHORT TITLE.—This section may be cited as the “Air America Act of 2021”.

(b) FINDINGS.—Congress finds the following:

(1) Air America, Incorporated (referred to in this section as “Air America”) and its related cover corporate entities were wholly owned and controlled by the United States Government and directed and managed by the Department of Defense, the Department of State, and the Central Intelligence Agency from 1950 to 1976.

(2) Air America, a corporation owned by the Government of the United States, constituted a “Government corporation”, as defined in section 103 of title 5, United States Code.

(3) It is established that the employees of Air America and the other entities described in paragraph (1) were Federal employees.

(4) The employees of Air America were retroactively excluded from the definition of the term “employee” under section 2105 of title 5, United States Code, on the basis of an administrative policy change in paperwork requirements implemented by the Office of Personnel Management 10 years after the service of the employees had ended and, by extension, were retroactively excluded from the definition of the term “employee” under section 8331 of title 5, United States Code, for retirement credit purposes.

(5) The employees of Air America were paid as Federal employees, with salaries subject to—

(A) the General Schedule under subchapter III of chapter 53 of title 5, United States Code; and

(B) the rates of basic pay payable to members of the Armed Forces.

(6) The service and sacrifice of the employees of Air America included—

(A) suffering a high rate of casualties in the course of employment;

(B) saving thousands of lives in search and rescue missions for downed United States airmen and allied refugee evacuations; and

(C) lengthy periods of service in challenging circumstances abroad.

(c) DEFINITIONS.—In this section—

(1) the term “affiliated company”, with respect to Air America, includes Air Asia Company Limited, CAT Incorporated, Civil Air Transport Company Limited, and the Pacific Division of Southern Air Transport; and

(2) the term “qualifying service” means service that—

(A) was performed by a United States citizen as an employee of Air America or an affiliated company during the period beginning on January 1, 1950, and ending on December 31, 1976; and

(B) is documented in the attorney-certified corporate records of Air America or any affiliated company.

(d) TREATMENT AS FEDERAL EMPLOYMENT.—Any period of qualifying service—

(1) is deemed to have been service of an employee (as defined in section 2105 of title 5, United States Code) with the Federal Government; and

(2) shall be treated as creditable service by an employee for purposes of subchapter III of chapter 83 of title 5, United States Code.

(e) RIGHTS.—An individual who performed qualifying service, or a survivor of such an individual, shall be entitled to the rights, retroactive as applicable, provided to employees and their survivors for creditable service under the Civil Service Retirement System under subchapter III of chapter 83 of title 5, United States Code, with respect to that qualifying service.

(f) DEDUCTION, CONTRIBUTION, AND DEPOSIT REQUIREMENTS.—The deposit of funds in the Treasury of the United States made by Air America in the form of a lump-sum payment apportioned in part to the Civil Service Disability & Retirement Fund in 1976 is deemed to satisfy the deduction, contribution, and deposit requirements under section 8334 of title 5, United States Code, with respect to all periods of qualifying service.

(g) APPLICATION TIME LIMIT.—Section 8345(i)(2) of title 5, United States Code, shall be applied with respect to the death of an individual who performed qualifying service by substituting “2 years after the effective date under subsection (h) of the Air America Act of 2021” for “30 years after the death or other event which gives rise to title to the benefit”.

(h) EFFECTIVE DATE.—This section shall take effect on the date that is 30 days after the date of enactment of this Act.

**SA 4365.** Mr. RUBIO (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

**Subtitle H—Taiwan Relations Reinforcement Act of 2021**

**SEC. 1291. SHORT TITLE.**

This subtitle may be cited as the “Taiwan Relations Reinforcement Act of 2021”.

**SEC. 1292. A TWENTY-FIRST CENTURY PARTNERSHIP WITH TAIWAN.**

(a) STATEMENT OF POLICY.—It is the policy of the United States to create and execute a plan for enhancing its relationship with Taiwan by forming a robust partnership that meets the challenges of the 21st century, fully accounts for Taiwan’s democratization, and remains faithful to United States principles and values in keeping with the Taiwan Relations Act and the Six Assurances.

(b) INTERAGENCY TAIWAN POLICY TASK FORCE.—Not later than 90 days after the date of the enactment of this Act, the President shall create an interagency Taiwan policy task force consisting of senior officials from the Office of the President, the National Security Council, the Department of State, the Department of Defense, the Department of the Treasury, the Department of Commerce, and the Office of the United States Trade Representative.

(c) REPORT.—The interagency Taiwan Policy Task Force established under subsection (b) shall submit an annual unclassified report with a classified annex to the appropriate congressional committees outlining policy and actions to be taken to create and execute a plan for enhancing our partnership and relations with Taiwan.

**SEC. 1293. AMERICAN INSTITUTE IN TAIWAN.**

The position of Director of the American Institute in Taiwan's Taipei office shall be subject to the advice and consent of the Senate, and effective upon enactment of this Act shall have the title of Representative.

**SEC. 1294. SUPPORTING UNITED STATES EDUCATIONAL AND EXCHANGE PROGRAMS WITH TAIWAN.**

(a) **STATEMENT OF POLICY.**—It is the policy of the United States to support United States educational and exchange programs with Taiwan, including by authorizing such sum as may be necessary to promote the study of Chinese language, culture, history, and politics in Taiwan.

(b) **ESTABLISHMENT OF THE UNITED STATES-TAIWAN CULTURAL EXCHANGE FOUNDATION.**—The Secretary of State shall establish a new United States-Taiwan Cultural Exchange Foundation, an independent nonprofit dedicated to deepening ties between the future leaders of Taiwan and the United States. The Foundation shall work with State and local school districts and educational institutions to send high school and university students to Taiwan to study the Chinese language, culture, history, politics, and other relevant subjects.

(c) **PARTNERING WITH TECRO.**—State and local school districts and educational institutions such as public universities shall partner with the Taipei Economic and Cultural Representative Office (TECRO) in the United States to establish programs to promote an increase in educational and cultural exchanges.

(d) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on cooperation between the United States Government and the Taiwanese government to create an alternative to Confucius Institutes in an effort to promote freedom, democracy, universal values, culture, and history in conjunction with Chinese language education.

**SEC. 1295. PARTICIPATION OF TAIWAN IN INTERNATIONAL ORGANIZATIONS.**

(a) **STATEMENT OF POLICY.**—It is the policy of the United States to promote Taiwan's inclusion and meaningful participation in meetings held by international organizations.

(b) **SUPPORT FOR MEANINGFUL PARTICIPATION.**—The Permanent Representative of the United States to the United Nations and other relevant United States officials should actively support Taiwan's membership and meaningful participation in international organizations.

(c) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on China's efforts at the United Nations and other international bodies to block Taiwan's meaningful participation and inclusion and recommend appropriate responses to be taken by the United States.

**SEC. 1296. INVITATION OF TAIWANESE COUNTERPARTS TO HIGH-LEVEL BILATERAL AND MULTILATERAL FORUMS AND EXERCISES.**

(a) **STATEMENT OF POLICY.**—It is the policy of the United States to invite Taiwanese counterparts to participate in high-level bilateral and multilateral summits, military exercises, and economic dialogues and forums.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the United States Government should invite Taiwan to regional dialogues on issues of mutual concern;

(2) the United States Government and Taiwanese counterparts should resume meetings under the United States-Taiwan Trade and

Investment Framework Agreement and reach a bilateral free trade agreement;

(3) the United States Government should invite Taiwan to participate in bilateral and multilateral military training exercises; and

(4) the United States Government and Taiwanese counterparts should engage in a regular and routine strategic bilateral dialogue on arms sales in accordance with Foreign Military Sales mechanisms, and the United States Government should support export licenses for direct commercial sales supporting Taiwan's indigenous defensive capabilities.

**SEC. 1297. REPORT ON TAIWAN TRAVEL ACT.**

(a) **LIST OF HIGH-LEVEL VISITS.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall, in accordance with the Taiwan Travel Act (Public Law 115-135), submit to the appropriate congressional committees a list of high-level officials from the United States Government that have traveled to Taiwan and a list of high-level officials of Taiwan that have entered the United States.

(b) **ANNUAL REPORT.**—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on implementation of the Taiwan Travel Act.

**SEC. 1298. PROHIBITIONS AGAINST UNDERMINING UNITED STATES POLICY REGARDING TAIWAN.**

(a) **PROHIBITION ON RECOGNITION OF PRC CLAIMS TO SOVEREIGNTY OVER TAIWAN.**—

(1) **STATEMENT OF POLICY.**—It is the policy of the United States to oppose any attempt by the PRC authorities to unilaterally impose a timetable or deadline for unification on Taiwan.

(2) **PROHIBITION ON RECOGNITION OF PRC CLAIMS WITHOUT ASSENT OF PEOPLE OF TAIWAN.**—No department or agency of the United States Government may formally or informally recognize PRC claims to sovereignty over Taiwan without the assent of the people of Taiwan, as expressed directly through the democratic process.

(3) **TREATMENT OF TAIWAN GOVERNMENT.**—

(A) **IN GENERAL.**—The Department of State and other United States Government agencies shall treat the democratically elected government of Taiwan as the legitimate representative of the people of Taiwan and end the outdated practice of referring to the government in Taiwan as the "authorities". Notwithstanding the continued supporting role of the American Institute in Taiwan in carrying out United States foreign policy and protecting United States interests in Taiwan, the United States Government shall not place any restrictions on the ability of officials of the Department of State and other United States Government agencies from interacting directly and routinely with counterparts in the Taiwan government.

(B) **RULE OF CONSTRUCTION.**—Nothing in this paragraph shall be construed as entailing restoration of diplomatic relations with the Republic of China, which were terminated on January 1, 1979, or altering the United States Government's position on Taiwan's international status.

(b) **STRATEGY TO PROTECT UNITED STATES BUSINESSES AND NONGOVERNMENTAL ENTITIES FROM COERCION.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Commerce, the Secretary of the Treasury, and the heads of other relevant Federal agencies, shall submit an unclassified report, with a classified annex if necessary, to protect United States businesses and nongovernmental entities from sharp power operations, including coercion and

threats that lead to censorship or self-censorship, or which compel compliance with political or foreign policy positions of the Government of the People's Republic of China and the Chinese Communist Party. The strategy shall include the following elements:

(1) Information on efforts by the Government of the People's Republic of China to censor the websites of United States airlines, hotels, and other businesses regarding the relationship between Taiwan and the People's Republic of China.

(2) Information on efforts by the Government of the People's Republic of China to target United States nongovernmental entities through sharp power operations intended to weaken support for Taiwan.

(3) Information on United States Government efforts to counter the threats posed by Chinese state-sponsored propaganda and disinformation, including information on best practices, current successes, and existing barriers to responding to this threat.

(4) Details of any actions undertaken to create a code of conduct and a timetable for implementation.

**SEC. 1299. STRATEGY TO RESPOND TO SHARP POWER OPERATIONS TARGETING TAIWAN.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall develop and implement a strategy to respond to sharp power operations and the united front campaign supported by the Government of the People's Republic of China and the Chinese Communist Party that are directed toward persons or entities in Taiwan.

(b) **ELEMENTS.**—The strategy required under subsection (a) shall include the following elements:

(1) Development of a response to PRC propaganda and disinformation campaigns and cyber-intrusions targeting Taiwan, including—

(A) assistance in building the capacity of the Taiwan government and private-sector entities to document and expose propaganda and disinformation supported by the Government of the People's Republic of China, the Chinese Communist Party, or affiliated entities;

(B) assistance to enhance the Taiwan government's ability to develop a whole-of-government strategy to respond to sharp power operations, including election interference; and

(C) media training for Taiwan officials and other Taiwan entities targeted by disinformation campaigns.

(2) Development of a response to political influence operations that includes an assessment of the extent of influence exerted by the Government of the People's Republic of China and the Chinese Communist Party in Taiwan on local political parties, financial institutions, media organizations, and other entities.

(3) Support for exchanges and other technical assistance to strengthen the Taiwan legal system's ability to respond to sharp power operations.

(4) Establishment of a coordinated partnership, through the Global Cooperation and Training Framework, with like-minded governments to share data and best practices with the Government of Taiwan on ways to address sharp power operations supported by the Government of the People's Republic of China and the Chinese Communist Party.

**SEC. 1299A. REPORT ON DETERRENCE IN THE TAIWAN STRAIT.**

Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State and the Secretary of Defense shall submit to the appropriate congressional committees a joint

report that assesses the military posture of Taiwan and the United States as it specifically pertains to the deterrence of military conflict and conflict readiness in the Taiwan Strait. In light of the changing military balance in the Taiwan Strait, the report should include analysis of whether current Taiwan and United States policies sufficiently deter efforts to determine the future of Taiwan by other than peaceful means.

#### SEC. 1299B. DEFINITIONS.

In this subtitle:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) **SHARP POWER.**—The term “sharp power” means the coordinated and often concealed application of disinformation, media manipulation, economic coercion, cyber-intrusions, targeted investments, and academic censorship that is intended—

(A) to corrupt political and nongovernmental institutions and interfere in democratic elections and encourage self-censorship of views at odds with those of the Government of the People's Republic of China or the Chinese Communist Party; or

(B) to foster attitudes, behavior, decisions, or outcomes in Taiwan and elsewhere that support the interests of the Government of the People's Republic of China or the Chinese Communist Party.

**SA 4366.** Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

#### Subtitle H—Countering Chinese Influence

##### SEC. 1291. SHORT TITLE.

This subtitle may be cited as the “Countering the Chinese Government and Communist Party's Political Influence Operations Act”.

##### SEC. 1292. DEFINITIONS.

In this subtitle:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Appropriations of the Senate;

(B) the Committee on Armed Services of the Senate;

(C) the Committee on Foreign Relations of the Senate;

(D) the Committee on Health, Education, Labor, and Pensions of the Senate;

(E) the Committee on the Judiciary of the Senate;

(F) the Select Committee on Intelligence of the Senate;

(G) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(H) the Committee on Appropriations of the House of Representatives;

(I) the Committee on Armed Services of the House of Representatives;

(J) the Committee on Education and Labor of the House of Representatives;

(K) the Committee on Foreign Affairs of the House of Representatives;

(L) the Committee on the Judiciary of the House of Representatives;

(M) the Permanent Select Committee on Intelligence of the House of Representatives; and

(N) the Committee on Financial Services of the House of Representatives.

(2) **POLITICAL INFLUENCE OPERATIONS.**—The term “political influence operations” means the coordinated and often concealed application of disinformation, press manipulation, economic coercion, targeted investments, corruption, or academic censorship, which are often intended—

(A) to coerce and corrupt United States interests, values, institutions, or individuals; and

(B) to foster attitudes, behavior, decisions, or outcomes in the United States that support the interests of the Government of the People's Republic of China or the Chinese Communist Party.

##### SEC. 1293. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to clearly differentiate between the Chinese people and culture and the Government of the People's Republic of China and the Chinese Communist Party in official statements, media messaging, and policy;

(2) to clearly differentiate between legal, internationally accepted public diplomacy and strategic communications campaigns and illicit activities to undermine democratic institutions or freedoms;

(3) to protect United States citizens and legal residents from malign or coercive political influence operations;

(4) to enhance cooperation and coordination with the United Kingdom, Australia, Canada, New Zealand, Japan, Taiwan, Singapore, and the members of the European Union, whose governments and institutions have faced acute pressure from the political influence operations of the Government of the People's Republic of China and the Chinese Communist Party, and with other allies throughout the world;

(5) to create strategies to ensure that countries in Africa, the Western Hemisphere, Southeast Asia, and elsewhere are aware of the People's Republic of China's “sharp power” tactics, including the Chinese Communist Party's party-to-party training program, which is designed to instill admiration and emulation of Beijing's governance model and weaken democracy in these regions, and provide needed capacity to counter them effectively;

(6) to implement more advanced transparency requirements concerning collaboration with Chinese actors for media agencies, universities, think tanks, and government officials;

(7) to use various forums to raise awareness about—

(A) the goals and methods of the political influence operations of the Government of the People's Republic of China and the Chinese Communist Party; and

(B) common patterns and approaches used by Chinese intelligence agencies or related actors;

(8) to require greater transparency for Confucius Institutes, think tanks, academic programs, and nongovernmental organizations funded primarily by the Government of the People's Republic of China and the Chinese Communist Party, or by individuals or public or private organizations with a demonstrable affiliation with the Government of the People's Republic of China and the Chinese Communist Party that are operating in the United States to register through the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.) or a comparable mechanism;

(9) to seek ways to increase Chinese language proficiency among mid-career professionals that do not rely on funding linked to

the Government of the People's Republic of China;

(10) to ensure that existing tools are sufficiently screening for the risk of Chinese influence operations; and

(11) to create more flexible tools, as needed, with the goals of—

(A) screening investments from the Government of the People's Republic of China or sources backed by such government to protect against the takeover of United States companies by Chinese state-owned or state-driven entities; and

(B) protecting institutions or business sectors critically important to United States national security and the viability of democratic institutions.

##### SEC. 1294. STRATEGY TO COUNTER “SHARP POWER” POLITICAL INFLUENCE OPERATIONS AND TO PROTECT UNITED STATES CITIZENS.

(a) **IN GENERAL.**—The Secretary of State and the Secretary of Homeland Security, in coordination with all relevant Federal agencies, shall develop a long-term strategy—

(1) to carry out the policy set forth in section 1293(c);

(2) to effectively counter the “sharp power” political influence operations of the Chinese Communist Party globally and in the United States;

(3) to ensure that United States citizens, particularly Chinese Americans and members of the Chinese, Uyghur, Mongolian, Korean, Taiwanese, and Tibetan diaspora who are often the victims and primary targets of malign political influence operations, are protected;

(4) to ensure that—

(A) the United States Government strategy to protect the communities described in paragraph (3) is clearly communicated by relevant Federal officials; and

(B) secure outlets are created for reporting on intimidation and surveillance;

(5) to ensure that Chinese nationals who are legally studying, living, or working temporarily in the United States know that intimidation or surveillance by the Government of the People's Republic of China and the Chinese Communist Party is an unacceptable invasion of their rights while they reside in the United States;

(6) to provide secure outlets for reporting on intimidation and surveillance; and

(7) to identify new tools or authorities necessary to implement this strategy.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State or an appropriate high-ranking official shall—

(1) submit an unclassified report, which may include a classified annex, containing the strategy required under subsection (a) to the appropriate congressional committees; or

(2) describe the strategy required under subsection (a) through unclassified testimony before the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives.

##### SEC. 1295. REPORT ON THE POLITICAL INFLUENCE OPERATIONS OF THE GOVERNMENT OF CHINA AND THE CHINESE COMMUNIST PARTY.

(a) **IN GENERAL.**—Because it is important for United States policymakers and the American people to be informed about the influence operations described in section 1293, not later than 270 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in coordination with the Director of National Intelligence, and in consultation with the heads of relevant Federal departments and agencies, shall submit an unclassified report,